

State of California  
Regional Water Quality Control Board  
San Diego Region

Executive Officer Summary Report  
April 13, 2005

ITEM:

7

SUBJECT:

The Regional Board will consider adoption of tentative Addendum No. 5 to Cleanup and Abatement Order (CAO) No. 92-01. (Kelly Dorsey)

PURPOSE:

Consider adoption of tentative Addendum No. 5 to CAO No. 92-01 (Supporting Document to be provided in second mailing) establishing requirements for cleanup and abatement of waste constituents in soil and groundwater pollution created by discharges of wastes associated with fuel conveyance and storage operations at the Mission Valley Terminal. The Regional Board previously received public testimony and comments on the tentative Resolution. This item is scheduled only for the Board to deliberate and adopt the tentative Addendum.

PUBLIC NOTICE:

Notification of the March 9, 2005 public hearing for this item was published in the San Diego Union Tribune on January 27, 2005. This item was continued to today's meeting for the Board to consider adoption of the tentative Addendum was publicly announced by the Regional Board at the March 9, 2005 public hearing.

DISCUSSION:

On January 3, 1992, the Regional Board issued Cleanup and Abatement Order No. 92-01 (CAO) to Santa Fe Pacific Pipeline Partners, LP, Shell Oil Company, Mobil Oil Corporation, and Powerline Oil Company in response to the unauthorized discharge of petroleum hydrocarbon waste to soil and groundwater underlying the Mission Valley Terminal bulk storage facility and the off-property area, including the Qualcomm Stadium facility (Supporting Document 1). The CAO included a final cleanup date of January 1, 1996. The final cleanup date was extended to January 1, 1999, when Addendum No. 1 to the CAO was issued on May 9, 1994. Addendum Nos. 2 and 3 were issued to name Kinder-Morgan Energy Partners, LP O/P SFPP, LP, Equilon Enterprises

LLC, Texaco Refining and Marketing Inc., and ExxonMobil Oil Corporation as Dischargers. Addendum No. 4 removed the 1999 final cleanup date from the CAO and found that new cleanup dates would be recommended after review of the Discharger's proposed cleanup dates (Supporting Document 2).

In compliance with Time Schedule Order R9-2002-0042, the Dischargers provided the Regional Board with their "Final Summary Report" (dated January 30, 2004) for the Mission Valley Terminal. The Regional Board held a properly noticed Public Workshop on May 3, 2004 to collect verbal and written comments from the public on the "Final Summary Report."

The tentative Addendum modifies the CAO to require that the Dischargers provide: 1) results from new pollution investigations; 2) a revised/new corrective action plan; 3) a drinking water contingency plan (Water Replacement Plan under Water Code section 13304(h)); 4) a formal monitoring and reporting program. The tentative Addendum also establishes new cleanup milestones, performance metrics, and compliance dates for cleanup and abatement of the off-property soil and groundwater pollution.

A public hearing was held before the Regional Board on March 9, 2005. . In response to written comments and public testimony, substantial revisions to the tentative Addendum were made; the changes are shown in underline/strikeout format. Written responses to all comments received in a timely manner are included in the Response to Comments Report (Supporting Document to be provided in second mailing).

The revisions include modifying the tentative Addendum to: 1) remove modify the list of Dischargers, 2) require cleanup of waste constituents to background concentrations or the establishment of acceptable groundwater cleanup levels, 3) require the Dischargers cleanup and abate groundwater pollution as soon as practicable and no later than the established compliance dates, 4) establishing Provisions for the Dischargers to properly manage wastes, properly operate and maintain treatment systems and provide additional information and facts to the Regional Board as necessary, and 5)

update the Site Conceptual Model and acknowledge the Summary of Understanding between the City of San Diego and Kinder Morgan.

Tentative Addendum No. 5 to CAO No. 92-01 (Supporting Document to be provided in second mailing) establishes a Monitoring and Reporting Program, cleanup levels, and compliance dates for cleanup and abatement of the off-property groundwater pollution. A monitoring and reporting program is necessary to closely track the progress of the cleanup (Supporting Document to be provided in second mailing). In February 2004, the Dischargers submitted their "Final Summary Report" proposing off-property cleanup milestones and compliance dates ranging from 2015 to 2034. Regional Board staff and the Regional Board's technical consultants reviewed the proposed cleanup dates. New compliance dates for cleanup and abatement of the off-property pollution are proposed in this tentative Addendum, and are based on the information available to the Regional Board and the expertise of the our technical consultants.

**KEY ISSUES:**

1. The City of San Diego requested that the compliance schedule require the site be cleaned up by the time water is ready for municipal use. The CAO contains cleanup compliance dates that are technically feasible and a contingency for the Dischargers to provide the City with replacement water as necessary.
2. The City of San Diego requested to delay establishing cleanup compliance dates pending the results from pilot tests of new technologies and review by Regional Board staff.
3. The City Include the tasks from the Summary of Understanding (SOU) in the tentative Addendum. The CAO was revised to require a revised Site Conceptual Model, and a new Finding acknowledging the SOU between City of San Diego and Kinder Morgan.
3. Shell Oil petitioned to be removed from the list of Dischargers in the CAO and addenda. The CAO contains a directive removing Shell Oil Company, Texaco Refining and Marketing, Inc. and EQUILON

Enterprises from the list of Dischargers.

4. Kinder Morgan requested less stringent reporting requirements for future spills at the MVT. More stringent reporting requirements are justified because releases from the tanks and conveyance systems are released to the soil, any release from these systems will be, or probably will be, discharged to the waters of the State.

**LEGAL CONCERNS:**

None.

**SUPPORTING DOCUMENTS:**

1. Vicinity map
2. CAO No. 92-01 and Addenda 1 - 4

**RECOMMENDATIONS:**

Adopt tentative Addendum No. 5 to Order No. 92-01 with changes.